



EXPEDITED RULE MAKING

CR-105 (June 2004)

(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Agriculture

Title of rule and other identifying information: (Describe Subject) WAC 16-406-015 What is considered "damage" and "serious damage" to apricots?

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY October 3, 2005

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department recently adopted rewritten apricot standards (Chapter 16-406 WAC Washington standards for apricots). The chapter was rewritten and reformatted so it was easier to understand and use. No requirements were changed. During the rewrite, the following language was inadvertently deleted from Table 1 in WAC 16-406-015: "(2) Any deformity or injury causing the skin to break more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance." The purpose of this filing is to permanently add the deleted language to Table 1.

Reasons supporting proposal: This filing is important because the apricot harvest is currently taking place in Washington state and the language that was inadvertently deleted is important to the department's fruit inspectors who are inspecting harvested apricots. This permanent rule amendment, when it becomes effective, will replace the emergency rule amendment filed on July 27, 2005 (WSR #05-16-034)

Statutory authority for adoption: Chapter 15.17 RCW and chapter 34.05 RCW

Statute being implemented: Chapter 15.17 RCW

Is rule necessary because of a:

Federal Law?

☐

Yes

X No

Federal Court Decision?

☐

Yes

X No

State Court Decision?

☐

Yes

X No

If yes, CITATION:

DATE

August 3, 2005

NAME (TYPE OR PRINT)

Robert W. Gore

SIGNATURE

TITLE

Assistant Director, Commodity Inspection Division

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
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PM

(COMPLETE REVERSE SIDE)

Name of proponent: (person or organization) Washington State Department of Agriculture

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

| | Name | Office Location | Phone |
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

AMENDATORY SECTION (Amending WSR 05-12-036, filed 5/25/05, effective 6/25/05)

WAC 16-406-015 What is considered "damage" and "serious damage" to apricots? The following tables explain the differences between "damage" and "serious damage" as applied to apricots:

Table 1
"Damage" and "Serious Damage" for All Varieties of Apricots except the Riland Variety

| Except for the Riland variety, the following are considered damage : | Except for the Riland variety, the following are considered serious damage : |
|---|--|
| (1) Well-healed growth cracks over 3/8 of an inch in length. | (1) Well-healed growth cracks that are more than 1/2 inch in length. |
| (2) Punctures over 3/16 of an inch in diameter. | (2) <u>Any deformity or injury causing the skin to break more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance.</u> |
| (3) Stem pulls over 3/8 of an inch in diameter. | |
| (4) Smooth shallow limb rubs more than 1/4 of an inch in diameter. | |
| (5) Russetting affecting more than ten percent of the apricot's surface. | |
| (6) Bruises exceeding five percent of the apricot's surface. | ((2)) (3) Bruises exceeding ten percent of the surface of the apricot. |
| (7) Hail marks that are: | ((3)) (4) Hail marks that are more than: |
| (a) Not shallow and superficial; or | (a) 3/16 of an inch deep; or |
| (b) More than 3/8 of an inch in diameter in the aggregate; or | (b) 1/2 of an inch in diameter in the aggregate; or |
| (c) More than 1/8 inch in diameter when the skin has been broken. | (c) 1/2 inch in diameter when the skin has been broken. |

Table 2
"Damage" and "Serious Damage" for the Riland Variety of Apricots

| For the Riland variety, the following are considered damage : | For the Riland variety, the following are considered serious damage : |
|--|--|
| (1) Growth cracks exceeding 3/8 inches in length. | (1) Growth cracks that are not well healed and are more than 1/2 inch in length. |
| (2) Punctures exceeding 1/4 of an inch in diameter. | |
| (3) Stem pulls exceeding 1/2 inch in diameter. | |
| (4) Smooth shallow limb rubs more than 1/4 of an inch in diameter. | |

| For the Riland variety, the following are considered damage : | For the Riland variety, the following are considered serious damage : |
|---|--|
| (5) Russetting affecting more than ten percent of the apricot's surface. | |
| (6) Bruises exceeding five percent of the apricot's surface. | (2) Bruises exceeding ten percent of the surface of the apricot. |
| (7) Hail marks that are: | (3) Hail marks that are more than: |
| (a) Not shallow and superficial; or | (a) 3/16 of an inch deep; or |
| (b) More than 3/8 of an inch in diameter in the aggregate; or | (b) 1/2 of an inch in diameter in the aggregate; or |
| (c) More than 1/8 inch in diameter when the skin has been broken. | (c) 1/2 inch in diameter when the skin has been broken. |